

NEBRASKA ADMINISTRATIVE CODE

Title 132 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 1 – DEFINITIONS

001 "Abatement" shall mean the act or process of eliminating an existing waste tire disposal site.

002 "Active portion" shall mean that part of a facility or unit that has received or is receiving wastes and that has not been closed in accordance with these regulations.

003 "Administratively complete application" shall mean an application that meets all of the criteria of the regulations and has been reviewed and accepted by the Department.

004 "Agency" shall mean any combination of two or more municipalities or counties acting together under the Interlocal Cooperation Act or the Joint Public Agency Act, a natural resources district acting alone or together with one or more counties and municipalities under either of such Acts, or any joint entity as defined in Neb. Rev. Stat. Section 13-803, or any joint public agency as defined in Neb. Rev. Stat. Section 13-2503.

005 "Agricultural Purposes" shall include the use of scrap tires as bumpers on agricultural equipment, as ballast to maintain covers or structures on the agricultural site, as feeders or water tanks for livestock.

006 "Applicant" shall mean a person, organization, local government unit or other entity required to apply for a permit from the Department.

007 "Aquifer" shall mean a geological formation, group of formations, or part of a formation that is capable of yielding water to a well, spring, or other point of discharge, in usable amounts.

008 "Background" shall mean the levels of chemical, physical, biological and radiological constituents or parameters prior to an activity or pollution event, as determined by methods acceptable to the Department.

009 "Bank stabilization" shall mean a management practice to control erosion.

010 "Blowout" shall mean a wind excavated depression on rangeland.

011 "Blowout stabilization" shall mean an erosion control practice to control wind erosion in a blowout.

012 "CFR" shall mean the Code of Federal Regulations published by the Office of the Federal Register.

013 "Closure" shall mean those actions which are taken upon the cessation of the use of a solid waste management facility, which prepares the facility for post-closure care, and assures the protection of human health and the environment.

014 "Code" shall mean a molded, imprinted, or raised symbol on or near the bottom of a plastic bottle or rigid plastic container.

015 "Collection" shall mean the act of removing and conveying solid waste from the storage area to a solid waste management facility.

016 "Commencement of construction" shall mean any substantial action, such as clearing of land, excavation or other action that reflects a substantially irreversible commitment to physically construct a facility, or that may affect the environment of a facility. The term does not include: site exploration, necessary roads for site exploration, borings to determine foundation conditions, or other preconstruction monitoring, or testing to establish background information related to the suitability of the site for the protection of environmental values.

017 "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

018 "Composting" shall mean the controlled aerobic, thermophilic, microbial degradation of solid organic material such as raw or treated sewage sludge, animal manure, paunch manure, plant or food residue or their mixtures, to a stabilized, humus-like material.

019 "Conditionally exempt small quantity generator" shall mean a generator who generates no more than 100 kilograms of hazardous waste in a month, and accumulates no more than a total of 1,000 kilograms of hazardous waste. If a conditionally exempt small quantity generator also generates acute hazardous waste, those hazardous wastes are subject to the exemptions and regulations of Title 128 - Nebraska Hazardous Waste Regulations.

020 "Construction" shall mean the erection or building of new structures or containment systems for solid waste management facilities, or the remodeling, alteration, modernization or extension of existing structures.

021 "Construction and demolition waste" shall mean waste which results from land clearing, the demolition of buildings, roads or other structures, including, but not limited to, fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wall paper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingles and other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. Construction and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums, and fuel tanks.

022 "Construction and demolition waste disposal area" shall mean any solid waste disposal area used for the sole purpose of disposal of construction and demolition waste.

023 "Container" shall mean a portable receptacle in which material is stored, transported or collected.

024 "Containment system" shall mean the system of engineered and designed barriers surrounding the solid waste in a solid waste disposal area unit which is intended to encapsulate and contain the emplaced solid waste and any leachate.

025 "Council" shall mean the Environmental Quality Council.

026 "County" shall mean any county in the State of Nebraska.

027 "County solid waste jurisdictional area" shall mean all areas of a county not located within the corporate limits of a municipality except a facility which does not serve unincorporated areas of the county.

028 "Crumb rubber" shall mean rubber particles with all wire removed that have a particle size of 12 mm (.50 inches) or less.

029 "Delisted Waste" shall mean hazardous waste which has been delisted pursuant to the procedures outlined in Title 128 - Nebraska Hazardous Waste Regulations.

030 "Delisted waste disposal area" shall mean any solid waste disposal area used for the sole purpose of disposal of delisted waste.

031 "Department" shall mean the Department of Environmental Quality.

032 "Design storm" shall mean the rainfall from a 25-year, 24-hour storm event.

033 "Director" shall mean the Director of the Department of Environmental Quality or the Director's designated representative.

034 "Discarded household appliances" shall mean clothes washers and dryers, water heaters, heat pumps, air conditioners, dehumidifiers, refrigerators, freezers, trash compactors, dishwashers, conventional ovens, ranges, stoves, and wood stoves.

035 "Disease vectors" shall mean any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.

036 "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air, land or water of the state.

037 "Disposal fee" shall mean the quarterly disposal fee remitted to the Department based on the volume or weight of solid waste entering a municipal solid waste disposal area.

038 "Disposal fee rebate" shall mean a ten cents rebate of the quarterly disposal fee based on the volume or weight of solid waste entering a municipal solid waste disposal area.

039 "End user" shall mean a person who receives whole waste tires or processed waste tires for use as a finished product, a raw material for a manufacturing process or for an approved beneficial use.

040 "Existing solid waste disposal area" shall mean any solid waste disposal area that is receiving solid waste as of October 1, 1993.

041 "Fill" shall mean solid waste that consists only of one or more of the following: sand, gravel, stone, soil, rock, brick, concrete rubble, asphalt rubble, or similar material.

042 "Floodplain" shall mean the lowland and relatively flat areas adjoining inland waters that are inundated by the 100-year flood.

043 "Fossil fuel combustion ash" shall mean flyash, bottom ash, slag, and flue gas emission control ash generated from utility plants or other facilities in which coal is the primary fuel source.

044 "Fossil fuel combustion ash disposal area" shall mean any area or site used for the sole

disposal of fossil fuel combustion ash.

045 "Garbage" shall mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and dead animals rejected by rendering plants.

046 "Gas condensate" shall mean the liquid generated as a result of gas recovery process(es) at a solid waste disposal area.

047 "Ground water" shall mean water occurring beneath the surface of the ground that fills available openings in rock or soil materials such that they may be considered saturated.

048 "Hazardous waste" shall mean a solid waste, or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics or defined as a hazardous waste by N.A.C. Title 128 - Nebraska Hazardous Waste Regulations, may:

048.01 Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or

048.02 Pose a substantial present or potential hazard to human health or animal health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

049 "Household waste" shall mean any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

050 "Hydraulic constants" shall mean the numeric values for flow friction assigned to various materials that are obtained by test or refined after long use in the engineering discipline.

051 "Industrial solid waste" shall mean solid waste generated by manufacturing or industrial processes that is not a hazardous waste.

051.01 Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing and foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and

miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment.

051.02 This term does not include mining waste or oil and gas waste.

052 "Industrial waste disposal area" shall mean any solid waste disposal area used for the sole purpose of disposal of industrial waste.

053 "Infectious waste" shall mean a solid waste capable of causing an infectious disease to humans. For a waste to be deemed infectious, consideration will be given to those elements required in order for infection to occur. These elements include the presence of a pathogen or causative organism, of significant virulence, in an adequate dose, which is able to gain a portal of entry in a susceptible host. Infectious waste shall include, but not be limited to, substances from the following classifications:

053.01 Blood, Blood Products and Body Fluids. This classification includes fluid blood, blood products and body fluids, and any items contaminated with any of these fluids, if a pourable quantity (ability of a liquid or semi-solid form to drip or flow) is present. The term blood and blood products includes serum, plasma, and other blood components. The term body fluid includes semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, amniotic fluid and any other body fluid visibly contaminated with blood.

053.02 Infectious Sharps Waste. This classification includes all discarded items from diagnosis, treatment, or immunization which can potentially transmit disease by breaking the human skin, and includes hypodermic needles, scalpels, razor blades, breakable glass containers, blood vials, culture dishes, used slides, glass products and broken glass or other sharp items that have come into contact with or have been contaminated by material considered infectious.

053.03 Laboratory Waste. This classification includes all cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.

053.04 Contaminated Animal Waste. This classification includes blood and body fluids, carcasses, body parts, excrement and bedding from animals contaminated with agents that may cause human disease.

053.05 Waste Identified by Infectious Waste Generators. This classification includes those wastes determined by the infectious waste generator or the infectious waste generator's infectious control staff/committee to be treated as infectious waste because of the risk of disease posed by such waste.

054 "Injection well" shall mean a well into which fluids are injected.

055 "Integrated solid waste management" shall mean solid waste management which is focused on planned development of programs and facilities that reduce waste toxicity and volume, recycle marketable materials, and provide for safe disposal of residuals.

056 "Junk" shall mean materials which will not be utilized if not collected and processed for reuse or recycling, including but not limited to mean: old scrap; copper; brass; iron; steel; rope; wire; glass; rags; batteries; paper trash; rubber; debris; demolition waste; abandoned mobile homes, dismantled or wrecked; untaxed, untitled or unlicensed vehicles or parts thereof; and other old or scrap ferrous or nonferrous material.

057 "Land application unit" shall mean an area where wastes are applied onto or incorporated into the soil surface for agricultural purposes or for treatment and disposal.

058 "Land pollution" shall mean the presence upon or within the land resources of the state of one or more contaminants or combinations of contaminants, including, but not limited to, refuse, garbage, rubbish, or junk, in such quantities and of such quality as will or are likely to (a) create a nuisance, (b) be harmful, detrimental, or injurious to public health, safety, or welfare, (c) be injurious to plant and animal life and property, or (d) be detrimental to the economic and social development, the scenic beauty, or the enjoyment of the natural attractions of the state.

059 "Landfill unit" shall mean a discrete area of land which has been developed and constructed with containment features according to an operational plan and designed for disposal of solid waste.

060 "Lateral expansion" shall mean a discrete area of land which has not previously received solid waste, or any discrete area of land which has previously received solid waste and which has been closed, and is proposed for development as a landfill unit.

061 "Leachate" shall mean liquid that has passed through or emerged from solid waste and contains soluble, suspended or miscible materials removed from such waste.

062 "Lead-acid batteries" shall mean electrical storage batteries with cells that contain lead electrodes and an acidic electrolyte, such as those commonly used in motor vehicles.

063 "Liquid waste" shall mean any waste which contains free liquids which will readily separate from the solid portion of a waste under ambient temperature and pressure as determined by the Paint Filter Liquids Test Method 9095B (test method dated November 2004), included in "Test Methods for Evaluating Solid Waste, Physical / Chemical Methods" (Environmental Protection Agency Publication SW-846, Update IIIB).

064 "Livestock waste" shall mean animal excreta and associated feed losses, bedding, spillage or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other material polluted by livestock, or their direct products.

065 "Lower explosive limit" shall mean the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at twenty-five (25) degrees centigrade and atmosphere pressure.

066 "Materials recovery facility" shall mean any facility at which solid waste is processed for the purpose of resource recovery.

067 "Monitoring" shall mean the combination of activities designed to assess the impact of the solid waste disposal area upon the environment.

068 "Municipality" shall mean a city of the metropolitan, primary, first or second class or village.

069 "Municipal solid waste" shall mean household waste and/or the combination of household waste with industrial or commercial solid wastes.

070 "Municipal Solid Waste Disposal Area" shall mean a publicly or privately owned discrete area of land or excavation that receives household waste, alone or in combination with other types of wastes such as commercial solid waste, industrial waste, nonhazardous sludge, or conditionally exempt small quantity generator waste, and which is not a land application unit, surface impoundment, injection well, or waste pile. For the purposes of these regulations, the term "landfill" may be used interchangeably with this term.

071 "Municipal solid waste jurisdictional area" shall mean all the incorporated areas of a city or of a village.

072 "Natural disaster" shall mean the occurrence of widespread or severe damage or loss of property resulting from any natural cause, including but not limited to, flood, earthquake, wind or storm.

073 "New solid waste disposal area" shall mean any solid waste disposal area or lateral expansion that has not received waste prior to October 1, 1993.

074 "One hundred-year flood" shall mean a flood that has a one percent (1%) or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long time.

075 "Open burning" shall mean the combustion of solid waste without:

075.01 Control of combustion air to maintain adequate temperature for efficient burning;

075.02 Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion;
and

075.03 Control of the emission of the combustion products.

076 "Open dump" shall mean a site for the disposal of solid waste which does not comply with the requirements of these regulations.

077 "Operational plan" shall mean that part of the application that describes the activities that are necessary for the routine and non-routine operations of the facility.

078 "Operating record" shall mean a record or file maintained by an owner or operator to contain documents and records pertaining to the solid waste management facility.

079 "Operator" shall mean the person(s) responsible for the overall operation of a facility or part of a facility.

080 "Owner" shall mean the person(s) who owns a facility or part of a facility.

081 "Particulate rubber" shall mean raw, uncured, compounded or vulcanized rubber that has been transformed by means of a mechanical size reduction process into a collection of particles, with or without a coating of a partitioning agent to prevent agglomeration during production, transportation, or storage.

082 "Passenger tire equivalent" shall mean twenty pounds by weight of waste tire or processed waste tire.

083 "Person" shall mean any individual, partnership, limited liability company, association, public or private corporation, trustee, receiver, assignee, agent, municipality or other governmental subdivision, public agency, officer or governing or managing body of any municipality, governmental subdivision or public agency, or any other legal entity except the Environmental Quality Council and the Department of Environmental Quality.

084 "Plastic" shall mean any material made of polymeric organic compounds and additives that can be shaped by flow.

085 "Plastic bottle" shall mean a plastic container intended for a single use that has a neck smaller than the body of the container, is designed for a screw-top, snap cap, or other closure, and has a capacity of not less than sixteen fluid ounces or more than five gallons.

086 "Post-closure care" shall mean the continued observation, maintenance and monitoring, for a period of time, of a closed solid waste management facility in order to protect human health and the environment.

087 "Post-consumer material" shall mean those products or other materials generated by a business or consumer that have served their intended end uses, and that have been recovered from or otherwise diverted from the solid waste stream for the purpose of recycling. Post-consumer material does not include manufacturing or converting scrap or by-products generated from, and commonly reused within, an original manufacturing process.

088 "PQL" shall mean practical quantitation limit and is the lowest concentration that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions.

089 "Practicable waste management alternative" shall mean another solid waste disposal area, transfer station materials recovery facility, or other facility that may serve as a viable substitute for the solid waste management method(s) currently employed for solid waste management.

090 "Preferences" allows the purchaser to buy a recycled product even if it is more expensive than the lowest bid.

091 "Processed waste tire" shall mean a waste tire that has been subjected to a chemical or physical alteration, to the degree that it has been size reduced to the form of crumb rubber, shreds or chips or reduced the waste tire to the individual components consisting of the sidewalls and tread. This definition does not include a tire bale composed of whole tires and/or any components of waste tires.

092 "Purchasing policy" shall mean a written document stating the intent of a municipality or county in its purchasing of products, materials, and supplies.

093 "Putrescible" shall mean capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors, gases, etc. Kitchen wastes, offal, and dead animals are examples of putrescible components of solid waste.

094 "Recoverable" shall mean the capability and likelihood of being recovered from solid waste for commercial or industrial use.

095 "Recycled" shall mean the use of recovered waste materials, such as post-consumer material, in the manufacture or production of new items.

096 "Recycling" shall mean the process by which recovered waste materials are transformed into new products in such a manner that the original products may lose their identity.

097 "Recycling center" shall mean any facility which is maintained and operated for the purpose of receiving, collecting and processing source-separated recyclable materials for resale or transfer. For the purposes of this definition, "processing" shall mean the modification of materials by baling, crushing, grinding, chipping or other means to prepare the materials for markets.

098 "Recycling collection site" shall mean a premises which is maintained and operated for the purposes of receiving and collecting source separated recyclable materials, and shall not include on site activities for significantly processing or modifying the collected materials.

099 "Refuse" shall mean putrescible and non-putrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and solid market and industrial wastes.

100 "Relevant Point of Compliance" shall mean the waste management unit boundary. An alternate relevant point of compliance may be approved by the Department, which is no more than 150 meters from the waste management unit boundary and is located on land owned by the solid waste disposal area permittee.

101 "Resource conservation" shall mean reduction of the amounts of solid wastes that are generated, reduction of overall resource consumption and utilization of recovered resources.

102 "Resource recovery" shall mean the recovery of material or energy from solid waste.

103 "Resource recovery system" shall mean a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues.

104 "Reuse" shall mean the reintroduction of a commodity into the economic stream without change.

105 "Rigid plastic container" shall mean any formed or molded container intended for a single use, composed predominately of plastic resin, that has a relatively inflexible finite shape or form with a capacity of not less than eight ounces or more than five gallons. Rigid plastic container shall not include a plastic bottle.

106 "Rough shred" shall mean a piece of a shredded tire that is larger than 50 mm (2.0 inches) by 50 mm (2.0 inches) by 50 mm (2.0 inches), but smaller than 762 mm (30.0 inches) by 50 mm (2.0 inches) by 100 mm (4.0 inches).

107 "Rubbish" shall mean non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety.

108 "Run-off" shall mean any precipitation, leachate, or other liquid that drains over land from any part of a facility.

109 "Run-on" shall mean any precipitation, leachate, or other liquid that drains over land onto any part of a facility.

110 "Salvage operation" shall mean the controlled and safe removal and collection of valuable or useful waste materials at any point in the solid waste stream.

111 "Saturated zone" shall mean that part of the earth's crust in which all voids are filled with water.

112 "Scavenging" shall mean the uncontrolled and unsafe removal of materials at any point in the solid waste stream.

113 "Set asides" mandates that a percentage of the total annual purchase of a product or material contain post-consumer material.

114 "Shredded tire" shall mean a size reduced waste tire where the reduction in size was accomplished by a mechanical processing device, commonly referred to as a shredder.

115 "Sidewall" shall mean the side of a waste tire between the tread shoulder and the rim bead.

116 "Sludge" shall mean any solid, semisolid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

117 "Solid waste" shall mean any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations, and from community activities, but solid waste shall not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq., or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 68 Stat. 923.

118 "Solid waste compost site" shall mean a tract of land, location, area or premises used for composting solid waste.

119 "Solid waste disposal" shall mean the disposal of solid waste, including any household waste, commercial solid waste, fossil fuel combustion ash, nonhazardous sludge, industrial solid waste, or construction and demolition waste.

120 "Solid waste disposal area" shall mean a discrete area of land or excavation which receives solid waste and includes all contiguous land and structures within the surveyed legal description of the permitted area, other appurtenances and improvements on the land used for the disposal of solid wastes or improvements necessary to carry out the disposal of solid wastes. Solid waste disposal areas shall include, but not be limited to the following disposal areas: municipal solid waste disposal areas, construction and demolition disposal areas, fossil fuel combustion ash disposal areas, industrial disposal areas, delisted hazardous waste disposal areas and land application units for repeated disposal or treatment of special wastes.

121 "Solid waste management" shall mean the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

122 "Solid waste management facility" shall mean a public or private site, location, tract of land, installation or building which has been used for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste, and shall include solid waste disposal areas and solid waste processing facilities.

123 "Solid waste management plan" shall mean a plan adopted by a county or municipality, including a joint plan adopted by an agency, for integrated solid waste management.

124 "Solid waste processing" shall mean the process by which solid wastes are physically or chemically changed, temporarily stored, or salvaged prior to being transferred to a solid waste disposal area or to a secondary materials recovery facility.

125 "Solid waste processing facilities" mean any facility where solid wastes are processed, and shall include, but not be limited to solid waste compost sites, materials recovery facilities, recycling centers and solid waste transfer stations.

126 "Solid waste transfer station" shall mean any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off of the premises of the facility from vehicles or containers, into other vehicles or containers for transportation to a solid waste disposal area or solid waste processing facility.

127 "Source separated materials" shall mean the waste products, for which a market exists, that have not been commingled with solid waste but have been kept separate from other wastes from the point of generation to final disposition.

128 "Special waste" shall mean a solid waste, except waste which is regulated as a hazardous waste, which possesses physical, chemical, or biological characteristics that make it different from general municipal solid waste, or construction and demolition waste, and which requires special handling, treatment, or disposal methodologies in order to protect public health, safety, and the environment.

129 "Speculative accumulation" shall mean the accumulation of waste tires for the purpose of reuse, recycling or shipment out of state, whereby in a calendar year, the amount of tire material reused, recycled or shipped out of state does not equal at least seventy-five percent (75%) by weight of such material in storage on January 1st of that calendar year.

130 "Standard hydraulic equations" shall mean the equations that describe runoff, velocity, and volume of flow that are accepted by standard engineering disciplines.

131 "Storage" shall mean the containment of solid waste on a temporary basis in such a manner as not to constitute disposal of such waste.

132 "Surface impoundment" shall mean a facility or part of a facility that is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials, or lined with synthetic materials, that is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

133 "Tire" shall mean any tire made of rubber or other resilient material and normally used on a vehicle."

134 "Tire chips" shall mean pieces of waste tires that have a basic geometrical shape and are generally between 12 mm (0.50 inches) and 50 mm (2.0 inches) in size and have most of the wire removed.

135 "Tire retailer" shall mean a person, business, or other entity, which engages in the retail sale of tires in any quantity for any use or purpose by the purchaser other than for resale.

136 "Tire shred" shall mean a piece of waste tire that has a basic geometrical shape and is generally between 50 mm (2.0 inches) and 305 mm (12.0 inches).

137 "Transfer" shall mean the act of transporting the solid waste from the point of storage to a processing facility and/or final disposal site.

138 "Tread" shall mean the portion of the waste tire which contacts the road.

139 "TSCA regulated PCB waste" shall mean polychlorinated biphenyl (PCB) wastes in concentrations greater than or equal to 50 ppm as regulated by Toxic Substances Control Act (TSCA). PCB wastes less than 50 ppm are not regulated by TSCA and shall be considered special wastes.

140 "Unregulated hazardous wastes" shall mean a hazardous waste generated by a conditionally exempt small quantity generator, which contains free liquids, or is in solid form in a quantity greater in size or volume than 5 gallons or in a quantity greater in weight than 19.5 kilograms (43 pounds), provided, however, that these quantity limits are daily maximum values. For purposes of this definition, unregulated hazardous wastes, except household hazardous waste, shall be prohibited from land disposal on and after September 1, 1996. This provision does not apply to household hazardous waste.

141 "Uppermost aquifer" shall mean the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

142 "Vertical Expansion" shall mean increasing the capacity of an existing landfill unit by raising the elevation or lowering the base elevation of the previously permitted area.

143 "Waste management unit boundary" means a vertical surface located at the hydraulically downgradient limit of the landfill unit. This vertical surface extends down into the uppermost aquifer.

144 "Waste oil" shall mean any oil that has been refined from crude oil, or any synthetic oil, that has been used, and as a result of such use, is contaminated by physical or chemical impurities, or used oil as defined in Title 128 - Nebraska Hazardous Waste Regulations.

145 "Waste tire or scrap tire" shall mean a tire that is no longer suitable for its intended purpose because of wear, damage, or defect.

146 "Waste tire hauler" shall mean any person, business, or other entity engaged in the business of picking up, hauling, and transporting scrap tires for storage, processing, recycling or shipment out of state.

147 "Waste tire material" shall mean any form of waste tires.

148 "Waters of the state" shall mean all waters within the jurisdiction of this state, including streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

149 "Water table" shall mean the surface of underground gravity-controlled water.

150 "Waste pile" shall mean any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

151 "Wetlands" shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

152 "Yard waste" shall mean grass and leaves. For the purposes of composting, yard waste shall mean grass and leaves in combination with chipped trees and branches and other organic material collected as the result of the care of ornamental plants, lawns, shrubbery, vines and gardens.

Enabling Legislation: Neb. Rev. Stat. §§ 13-2001 et seq.; 81-1501 et seq.

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Title 132

Chapter 1

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